



PC AGENDA: 9-11-02

ITEM: 3.a.

# Memorandum

**TO:** PLANNING COMMISSION

**FROM:** Stephen M. Haase

**SUBJECT:** SEE BELOW

**DATE:** September 4, 2002

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COUNCIL DISTRICT: 8

**SUBJECT: ANNUAL REVIEW OF A DEVELOPMENT AGREEMENT WITH SHEA HOMES REGARDING PROPERTY LOCATED AT BOTH SIDES OF SILVER CREEK VALLEY ROAD, SOUTH OF FARNSWORTH DRIVE**

## BACKGROUND

In 1990, a Development Agreement between the City of San Jose and Shea Homes was approved by the City Council in conjunction with Planned Development Rezoning, File No. PDCSH 88-08-091, for the Silver Creek Valley Country Club Project. The Agreement vests certain development rights for Shea Homes in exchange for their agreement to construct a substantial amount of public and private improvements. The vested elements include the existing General Plan designation, the Planned Development zoning of the property, and various project parameters such as number and type of residential units, amount of commercial space, project amenities, and development standards. An amendment to the Development Agreement was approved in 1994 to change the range in the type of residential units and to revise the definition of Resort Units.

The Development Agreement, as required by City Ordinance, requires the Planning Commission to adopt a resolution, if applicable, upon determination subsequent to a Compliance Review Hearing, that all terms and conditions of the agreement are in full compliance.

## ANALYSIS

The project is currently in compliance with all provisions of the Development Agreement. Shea Homes has met obligations to make all necessary public infrastructure improvements and recreational facilities required at this stage of development for the Silver Creek Valley Country Club Project. Virtually all of the development for this stage of the project has been completed.

The developer has obtained required Planned Development Permits and abided by all rules, regulations and official policies as required by the Agreement. The Department of Public Works has verified that the applicant has or is currently paying fees for water, sanitary sewer and storm drainage facilities in accordance with the relevant chapters of the Municipal Code. The

Department of Public Works has verified that the applicant has, thus far, complied with the provisions of the Cooperation Agreement, including significant sections regarding financial assurances, total assessments, notice of provisions to purchasers, design and construction of improvements, the Integrated Finance District, developer's contribution to the Integrated Finance District and the Parkland Agreement.

## **RECOMMENDATION**

Planning staff recommends that the Planning Commission adopt a resolution finding the applicant in compliance with all provisions of this Development Agreement.

Stephen M. Haase, Director  
Planning, Building and Code Enforcement

c: Michael McDermitt, Shea Homes, 25 Metro Drive #300, San Jose, Ca 95110  
Timm Borden, Public Works Department